

Decision folder



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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

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DOCKETED BY

MAC

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE ARIZONA
EASTERN RAILWAY COMPANY AT FOURTH
AVENUE IN THE CITY OF SAFFORD, GRAHAM
COUNTY, ARIZONA, M.P. BDA1137.48.

DOCKET NO. RR-02634A-01-0476

DECISION NO. 64075

OPINION AND ORDER

DATE OF HEARING: August 2, 2001

PLACE OF HEARING: Phoenix, Arizona

ADMINISTRATIVE LAW JUDGE: Marc E. Stern

APPEARANCES: Mr. Jason Gellman, Staff Attorney, Legal
Division, on behalf of the Utilities Division of
the Arizona Corporation Commission.

BY THE COMMISSION:

On June 12, 2001, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Arizona Eastern Railway Company ("Railroad") to upgrade an existing crossing at Fourth Avenue in the City of Safford, Graham County, Arizona at milepost BDA1137.48 ("Application").

On July 9, 2001, by Procedural Order, the Application was set for hearing and the Railroad was ordered to notify any interested party of the Application and the hearing.

On August 2, 2001, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1
2 1. On June 12, 2001, ADOT filed an Application in which it requested an Opinion and
3 Order from the Commission to approve an upgrade of an existing crossing of the Railroad at Fourth
4 Avenue in the City of Safford, Graham County, Arizona at milepost BDA1137.48.

5 2. A hearing was held as scheduled on August 2, 2001.

6 3. The Railroad provided notice to all interested parties of the Application and hearing
7 thereon as ordered in the Commission's Procedural Order. Subsequently, no objections to the
8 Application were received by the Commission.

9 4. The Application provides for the Railroad to upgrade the crossing by installing
10 flashing lights with automatic gates.

11 5. Staff testified that the cost for the installation of the crossing upgrade as provided in
12 the Application is proper.

13 6. Staff has recommended that the Application be approved.

CONCLUSIONS OF LAW

14
15 1. The Commission has jurisdiction over the Railroad and over the subject matter of the
16 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and
17 40-337.01.

18 2. Notice of the Application was provided in accordance with the law.

19 3. Installation of the crossing upgrade is necessary for the public's convenience and
20 safety.

21 4. The Application should be approved as recommended by Staff.

22 5. After the installation of the crossing, the Railroad should maintain the crossing in
23 accordance with A.A.C. R14-5-104.

ORDER

24
25 IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application
26 on behalf of the Arizona Eastern Railway Company is hereby approved.

27 IT IS FURTHER ORDERED that the Arizona Eastern Railway Company shall complete the
28 crossing upgrade as described in the Application within fifteen months from the effective date of this

Decision.

IT IS FURTHER ORDERED that the Arizona Eastern Railway Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Arizona Eastern Railway Company shall maintain the crossing in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

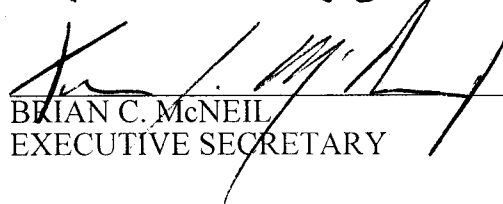
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 9th day of October, 2001.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT
MES:mlj

1 SERVICE LIST FOR: ARIZONA EASTERN RAILWAY COMPANY

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